

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

2007 JUN 27 AM 11:26
STEPHEN R. LUDWIG, CLERK
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

CASE NUMBER: 2:06 CR 63

UNITED STATES OF AMERICA Plaintiff,

V/S

VIKRAM S. BUDDHI Defendant.

To
The Honourable District Judge
United States District Court,
Northern District of Indiana,
Hammond Division

**MOTION OF DEFENDANT'S FATHER REQUESTING TO BE
CONSIDERED AS AMICUS CURIE.**

I, Kota Subbarao Buddhi, the undersigned petitioner, being duly sworn, solemnly affirm and state as under:-

1. I am aged 66 years, an Indian by nationality, former Indian Navy Captain, and a practicing advocate (attorney) of Supreme Court of India. I am father of the above named Defendant.
2. On June 25, 2007 at about 1 p. m, the jury trial of the above mentioned case commenced before this Honourable Court. I was present in the Court, seated in the audience. During the proceedings, names of Government witnesses were out by Your Honour. I was surprised to hear that I have been named as a Government's witness. I got up and raised objection, but Your Honour was pleased to direct me to sit down and remain silent, which I obeyed and remained silent. No opportunity was provided to me to explain the grounds for my objection.

3. I say and submit that naming me as one of the Government's witnesses and barring me from witnessing the trial proceedings is unfair for the following reasons among other reasons:

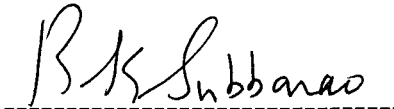
- (i) I am the only family member who traveled from India to reach USA on June 7, 2006, to witness the trial which was at that time fixed for June 26, 2006, but was continued from time to time till June 25, 2007.
- (ii) When I reached USA in June 2006, the Defendant was without bond (bail). Upon my testimony and the testimony of Professor M.P.Murthy a faculty member of the Department of Mathematics at the University of Chicago, the learned Federal Magistrate was pleased to grant bond (bail) on July 18, 2006. Among the bail conditions placed by the Federal Magistrate, the crucial condition was that the Defendant should remain in my custody till the trial and I should live in USA till the trial. Accordingly, the Defendant lived in my custody at West Lafayette till the eve of the trial. In such facts and circumstances, it is but natural, I am eager to witness the jury trial.
- (iii) Being an advocate of Supreme Court of India and having specialized in criminal law and also having acquainted myself during my stay in USA for the past one year with US Federal Rules of Criminal Procedure and Federal Rules of Evidence and having gone through a large number of relevant Appeal judgments of various US Circuit Courts and US Supreme Court, I have been assisting the Defense Attorney Mr. John E Martin in preparation of defense in the case. My being able to witness the trial would provide me an opportunity to be of further assistance to Defense Attorney.
- (iv) I received no Summons or Subpoena to be a witness of the Government in the present case.

4. It may be pertinent to say, Justice is not a cloistered virtue. It has a universal meaning which can not be ignored by the rules and regulations of the American judicial system. Rules are handmaiden of justice, they are not the mistress. When Government succeeds in keeping me away from the trial by merely naming me as their witness, it becomes necessary to consider my request that in the interest of justice and in public interest I may be permitted to address the Court as *amicus curie* to explain the points of law in the case, especially the

applicability of *Watts* and *Brandenburg* to the present case and also to show that the instant case is Abinitio Null and Void.

5. Therefore, in the light of the above mentioned facts and circumstances , I request that I may be permitted to address this Honourable Court as amicus curie, after Government closes its side of the case.

Respectfully,



Signature of Petitioner

Kota Subbarao Buddhi

Advocate Supreme Court of India.

Room No. 215, RAMADA
Calumet Avenue
Ph: (219) 933-0500

Sworn to before me, and subscribed in my presence

June 27 , 2007

Date

_____ at HAMMOND INDIANA

City and State.

Signature of Judicial Officer.